

### **REMARKS/ARGUMENTS**

The action by the Examiner of this application, together with the cited references, has been given careful consideration. Following such consideration, claims 1, 9 and 14 have been amended to define more clearly the patentable invention applicant believes is disclosed herein. Claims 2-8, 10-13, and 15 are unchanged by the present amendment paper. It is respectfully requested that the Examiner reconsider the claims in their present form, together with the following comments, and allow the application.

The Examiner has rejected independent claims 1, 9 and 14 as being anticipated by U.S. Patent No. 6,423,976 to Glavish et al. The Examiner has also rejected the claims of the present application based on the disclosures of U.S. Patent No. 5,596,304 to Tatchyn; U.S. Patent No. 5,324,646 to Busing et al.; U.S. Patent Application Publication No. 2004/0033176 to Lee et al.; and U.S. Patent Application Publication No. 2002/0060521 to Mako et al. It is respectfully submitted that none of the cited references, taken individually or in combination, teaches or suggests the applicant's invention as presently set forth in the amended claims.

With regard to independent claim 1, this claim now recites "first and second magnets for producing a magnetic field B transverse to a travel path through said gaps of said at least two pair of accelerating elements of the charged particles, to confine the charged particles to *a generally circular orbit*, wherein said plurality of accelerating elements are located between said first and second magnets." Independent claim 9 now recites "means for producing a magnetic field transverse to a travel path of the charged particle through said at least two accelerating gaps, wherein the travel path of said charged particle is confined by said magnetic field *to a generally circular orbit*." Independent claim 14 now recites the step of "applying a magnetic field transverse to a travel path of the charged particle through said accelerating gaps of said at least two pair of electrode plates; and injecting the charged particle into said accelerating gap of one of said two pair of electrode plates; wherein said magnetic field confines the charged particle to *a generally circular orbit*."

In support of the rejection of the claims 1, 9 and 14, the Examiner has referred to FIGS. 13 and 14 of Glavish et al. It is respectfully submitted that Glavish et al. fails to teach or suggest confinement of the charged particles to "*a generally circular orbit*," as now required by

independent claims 1, 9 and 14. In particular, neither FIGS. 13 nor 14 of Glavish et al. illustrate a *generally circular* travel path for the charged particles. In fact, FIG. 13 appears to teach a linear travel path (see also column 18, lines 8-22).

It is respectfully submitted that the other cited references fail to teach or suggest a magnetic field transverse to a travel path of the charges particle(s) through the (accelerating) gaps, wherein the magnetic field confines the charged particles(s) to a generally circular orbit, as required by claims 1, 9 and 14.

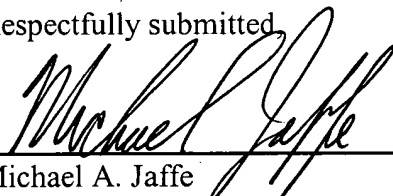
In view of the foregoing, it is respectfully submitted that independent claims 1, 9 and 14 are patentable over the cited references. Furthermore, the remaining claims depend from independent claims 1, 9 and 14. Therefore, it is respectfully submitted that these claims are likewise patentable over the cited references for at least the reasons set forth above in connection with the independent claims.

It is respectfully submitted that the present application is now in proper condition for allowance. If the Examiner believes there are any further matters that need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. ST8755US.

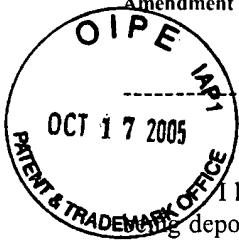
Date: October 14, 2005

Respectfully submitted

  
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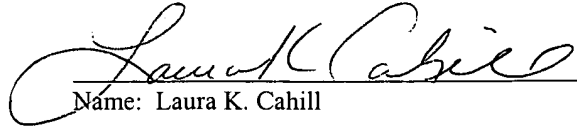
Application No. 10/800,583  
Reply to the Office Action mailed July 26, 2005  
Amendment filed October 14, 2005



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I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: October 14, 2005

  
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